

HOUSE BILL REPORT

HB 2004

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to indirect supervision of certain health care services provided through naturopathic doctors.

Brief Description: Authorizing the indirect supervision of certain health care services provided through naturopathic doctors.

Sponsors: Representative Green.

Brief History:

Committee Activity:

Health Care & Wellness: 2/19/09, 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Allows unlicensed practitioners to practice colon hydrotherapy under the indirect supervision of a licensed naturopath.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey, Campbell, Clibborn, Green, Herrera, Kelley, Moeller and Pedersen.

Minority Report: Without recommendation. Signed by 2 members: Representatives Hinkle and Morrell.

Staff: Jim Morishima (786-7191)

Background:

Colon Hydrotherapy.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Colon hydrotherapy is generally the removal of waste from the large intestine using temperature-controlled water. The procedure is performed using a colonic irrigation device which is regulated as a Class II medical device by the U.S. Food and Drug Administration (FDA).

In 2008 the Washington Court of Appeals affirmed a ruling by the Department of Health (DOH) that "colonic irrigation" constitutes the practice of medicine. *Yow v. The Department of Health Unlicensed Practice Program*, 147 Wn.App. 807 (2008).

In January of 2009 the DOH completed a sunrise review of the practice of colon hydrotherapy. The DOH recommended in the review that colon hydrotherapy not be regulated as a separate profession. This is partially because the practice of colon hydrotherapy is already regulated in Washington as the practice of medicine and is within the scope of practice of several types of licensed professionals, including allopathic, osteopathic, and naturopathic physicians.

Licensed Naturopaths.

Naturopathy is the practice of the art and science of the diagnosis, prevention, and treatment of disorders of the body by stimulation or support of the natural processes of the human body. Naturopaths are licensed by the DOH. In order to obtain a license, a naturopath must complete an approved education program (or equivalent experiential requirements) and pass an examination.

Summary of Substitute Bill:

An unlicensed practitioner is authorized to practice colon hydrotherapy if:

- the practitioner is indirectly supervised by a naturopath licensed in Washington. "Indirect supervision" means that the naturopath is not on the premises, but has confirmed that the practitioner is competent to perform the colon hydrotherapy procedure and is in compliance with statutory requirements;
- the practitioner has a written consultation agreement with the naturopath, which must include a monthly review of client cases and files, quarterly inspections of the facilities and equipment used by the practitioner, a written emergency protocol, and a written protocol regarding when a client must be referred to a licensed health care practitioner;
- the colon hydrotherapy procedure consists only of the application of filtered, temperature-controlled water (with no drugs, herbs, chemicals, or other substances in the water) into the large intestine for purposes of removing waste;
- the practitioner uses equipment in original working order that is approved by the FDA;
- the practitioner maintains in a readily retrievable manner documentation of all training received in the performance of colon hydrotherapy;
- the practitioner uses standard universal precautions for preventing the spread of disease; and

- the client signs, and receives a copy of, a client disclosure form approved by the Secretary of Health.

Violation of the requirements relating to colon hydrotherapy is a misdemeanor.

Substitute Bill Compared to Original Bill:

The substitute bill requires that the supervising naturopath be licensed in Washington.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Colon hydrotherapy is an age-old process. Practitioners serve many people, including people preparing for other procedures, people with multiple sclerosis, the elderly, and people with constipation caused by pain medications. Additionally, colon hydrotherapists are employers and pay state taxes. This bill will preserve access to colon hydrotherapy services and keep practitioners in business. There is no history of harm from colon hydrotherapy in Washington and no other state completely disallows the practice. Many colon hydrotherapists already have good working relationships with naturopaths and other medical professionals.

(Opposed) It is inappropriate for naturopaths to indirectly supervise colon hydrotherapists. This bill will expose naturopaths to liability, which may not be covered by liability insurance. The bill has no safety standards, education requirements, review standards, background checks, or equipment standards. This bill should be broadened to cover other medical professionals who provide primary care. This bill is at odds with the DOH's opinion that colon hydrotherapy constitutes the practice of medicine.

Persons Testifying: (In support) Representative Green, prime sponsor; Kristi Zimmer, Washington Association of Colon Hydrotherapy; Russell Kelbo, International Association for Colon Hydrotherapy; and Tim Zimmer, Washington Association of Colon Hydrotherapy.

(Opposed) Robert May, Washington Association of Naturopathic Physicians.

Persons Signed In To Testify But Not Testifying: None.